

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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S B ICE, L.L.C.,

Plaintiff,

-against-

MGN, L.L.C., et al.,

Defendant.  
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ORDER

08 Civ. 3164 (DLC) (MHD)

MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE:


4/14/09

After numerous unsuccessful efforts to conduct a settlement conference, efforts stymied largely by the demands of plaintiff's counsel Michael I. Santucci for adjournments (see, e.g., Orders dated Dec. 16, 2008; Jan. 15, 2009; Endorsed Order dated Feb. 20, 2009; Orders dated Feb. 23, 2009; Mar. 23, 2009; Endorsed Order dated Mar. 27, 2009), we finally scheduled the conference for today. Much to our surprise, lead counsel for plaintiff did not appear, although defendants' attorney and his client did. Instead, an attorney showed up for plaintiff who had had no prior involvement in the case; had not even filed a notice of appearance; was not plaintiff's pre-existing local counsel; and had, by his own admission, been asked by plaintiff's attorney to involve himself in the case last week for the sole purpose of appearing at today's

conference. This conduct by plaintiff's lead counsel ensured that any attempt to settle this matter would be a complete waste of time. Under these circumstances, and in view of the continuing resistance of plaintiff's lead counsel to appearing in court for settlement purposes, he is to serve and file an affidavit by **TUESDAY, APRIL 21, 2009** demonstrating why the court should not impose sanctions on him for the loss of time caused to defendants' attorney and the court.

**Dated: New York, New York**  
**April 14, 2009**

**SO ORDERED.**



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**MICHAEL H. DOLINGER**  
**UNITED STATES MAGISTRATE JUDGE**

Copies of the foregoing Order have been sent today to:

Michael Ingrassi Santucci, Esq.  
Santucci, Priore & Long, LLP  
500 West Cypress Creek Road, Suite 500  
Fort Lauderdale, FL 33309

Rachel Bess Goldman, Esq.  
Bracewell & Giuliani, L.L.P.  
1177 Avenue of the Americas  
New York, NY 10036

Glenn A. Wolther, Esq.  
Law Office of Glenn A. Wolther  
305 Broadway, Suite 1102  
New York, NY 10007

Joel Stern, Esq.  
Stern & Zingman  
110 East 59<sup>th</sup> Street  
New York, NY 10022